

**DECISION MEMO
FOR THE
BOLAR MOUNTAIN PRESCRIBED BURN PROJECT**

USDA – Forest Service
George Washington and Jefferson National Forests
James River and Warm Springs Ranger Districts
Bath County, Virginia

DECISION

I have decided to implement the Bolar Mountain Prescribed Burn Project located on the Warm Springs Ranger District of the George Washington National Forest on the Lake Moomaw Dispersed Recreation area along State Route 603 and State Route 600 (see attached project map), in Bath County, Virginia. This project is in collaboration with the Virginia Department of Game and Inland Fisheries (VDGIF).

This project will burn a single, contiguous block of oak-hickory woodland, approximately 1,744 acres in size, in partnership with VDGIF where 1,628 acres belong to VDGIF and 116 acres belong to GWNF. This proposed decision space covers only the 116 acres on Forest Service lands. Including the Forest Service ownership for this project will allow the VDGIF to complete their project and reduce the amount of ground disturbance by using already established control lines (roads) instead of constructing mid-slope firelines, as the roads exist on Forest Service land. Likewise, the Forest Service will restore fire to oak-hickory woodlands in this area with minimal ground disturbance due to implementing in conjunction with VDGIF. Multiple prescribe burns may occur to meet restoration goals.

The perimeter of the proposed burn unit consists of state maintained paved and gravel roads. Mechanical improvements such as brushing and scraping may be needed to protect existing infrastructure within the project area such as utility lines and structures. Mechanical equipment may include mowers or chainsaws. Hazard trees may need to be removed by sawing for the safety of implementation personnel.

Project Mitigations

- Late winter surveys (Jan./Feb) for nesting bald eagles on Bolar Mountain will be conducted prior to the burn. Aerial resources will be informed of the results and the overall potential for bald eagles to be in the general proximity of Lake Moomaw. Past nesting sites have not been in the vicinity of the proposal but 2-3 miles away (Center for Conservation Biology mapping portal).

EXISTING AND DESIRED CONDITIONS, PURPOSE AND NEED

Reduced fire activity during the twentieth century has contributed to increases in tree and shrub densities and shifts in tree species compositions, thereby reducing the acreage in open conditions and hindering regeneration of various oak species. These changes have reduced habitat quality for plant and animal species that require open woodland habitat or are dependent on soft mast or hard mast tree species. In the project area, the majority of

the open habitat has become overgrown and has decreased over the past 50 to 75 years due to a lack of fire. Open and brushy habitat intermixed in large forests is important because it provides more nesting, foraging, and herbaceous ground cover for a wide array of game and non-game wildlife species.

Reintroduction of fire into the appropriate areas will benefit wildlife by creating structural heterogeneity, thereby improving habitat for a variety of important bat and bird species. For example, it will create conditions favoring more soft mast (berries/fruits) species, such as blueberries, thereby improving foraging habitat for numerous wildlife.

Fire would favor the establishment of oak seedlings in the understories of the treated stands. These seedlings would be available to create a new stand of oak trees when a natural or human-caused disturbance removes or reduces the existing overstory. Upon maturing, these new oak trees would help sustain acorn production that otherwise will decline as the existing trees age. Acorns are an important food source depended on by wildlife species including turkey, bear, squirrel, deer, and many smaller non-game species.

The primary objectives are to restore, maintain, or enhance wildlife habitat and restore the ecological role of fire for oak and pine systems in these areas. Management would emphasize the restoration and maintenance of the oak-pine and oak-hickory ecosystems using prescribed fire. The 2014 Revised George Washington National Forest Plan (herein referred to as the Forest Plan), management prescription 7E1 – Dispersed Recreation Areas (page 4-93) has desired conditions and standards including:

DC 7E-07: Prescribed fire, wildfire, integrated pest management and commercial timber harvest are appropriate to manage vegetation. Wildland fires are used to restore and maintain historic fire regimes. Wildlife viewing opportunities are maintained and expanded through cultivation, mowing, and burning of openings and pastoral areas.

Standard 7E-010: Vegetation management may be accomplished with wildfires and prescribed fire along with mechanical treatments as an appropriate method of reducing costs associated with these activities.

The proposed actions are supportive of the Forest Plan forest wide direction to focus on sustaining the diverse terrestrial, aquatic and vegetative communities unique to the central and southern Appalachians through the foundation of healthy watersheds, productive soils, and healthy air sheds. Fire management strategies support a variety of desired conditions and objectives across the GWNF (e.g., to establish, maintain, control or restore forest vegetation, wildlife openings, open woodlands).

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

The Chief of the Forest Service has established categories of actions that can be excluded from documentation in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). In reviewing the information and evidence presented in the project record and evaluating information submitted from public, I have determined that the

actions within this decision can be categorically excluded from documentation in an EIS or EA. The applicable category of action includes:

36 CFR 220.6(e) (6) - timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than one mile of low standard road construction.

This category is applicable because the evidence presented in the project record and briefly described below demonstrate that the cause-effect relationship between the actions in this decision and the degree of these effects on the resource condition result in no extraordinary circumstances. This action falls squarely within this category.

RELATIONSHIP TO EXTRAORDINARY CIRCUMSTANCES

Direction provided in Forest Service Handbook *Environmental Policy and Procedures Handbook* 1909.15 Chapter 30 requires the Responsible Official to consider whether extraordinary circumstances related to a proposed action warrant analysis in an EA or an EIS. This project was analyzed (per FSH 1909.15, Section 30.3) by an Interdisciplinary Team for the following resource conditions and the results are as follows:

a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

A review of impacts to threatened and endangered species, designated critical habitat, species proposed for Federal listing and proposed critical habitat and Forest Service sensitive species was completed for this project.

Effects to the federally endangered Indiana bat were considered for this project because it is assumed the entire Forest is potential habitat for this species. Potential habitat (mature forests with trees having exfoliating or deeply fissured bark) exists in the proposed project area. Although in general the activities associated with this project will not remove or disturb known roosting habitat, there will be some disturbance to tree species of the size and type known to be used by the Indiana bat.

This project-level analysis follows direction in the George Washington National Forest's Revised Forest and Land Resource Management Plan (Forest Plan) and Final Environmental Impact Statement (FEIS) and is in compliance with applicable Indiana Bat Standards FW-47 to FW-62. This analysis includes, and is in addition to, the entire Indiana bat effects analysis (pages 3-152 through 3-164) documented in the Forest Plan EIS. Because of its length, the Forest Plan's discussion is not repeated here. However, findings of that analysis concluded that individual bats might be killed or harmed by such activities as associated with this project. The U. S. Fish and Wildlife Service (USFWS) has determined that such take, within authorized levels, would be incidental take, and would not result to jeopardy to the Indiana bat. The project area is outside the primary and secondary cave protection areas for Indiana Bats as presented in the 2014 Revised GWNF

Forest Plan. The total acreage of habitat manipulation for this project represents 116 acres, which is approximately .5% of the 23,513 annual allowable amount for all forms of habitat disturbance on the George Washington National Forest. The effects of the proposed project activities are may affect, likely to adversely affect the Indiana bat. However, the activities connected with this project are consistent with those covered by previous formal consultations: USFS 2012, USFWS 2013, 2014 (no additional formal consultation required).

The USFWS completed a Biological Opinion (BO) on August 5, 2015 for the continued implementation of Forest Plans in the Southern Region, including the George Washington & Jefferson NFs, related to effects on the northern long-eared bat (NLEB). The BO relied on continued implementation of existing Forest Plans and excepted activities as described in the April 2nd listing and associated interim 4(d) rule. On January 14, 2016 the FWS published the NLEB final 4(d) rule and it went into effect February 16, 2016. On February 11, 2016 the Southern Region of the Forest Service informed the FWS that the Forest Service will be implementing the NLEB final 4(d) rule using the voluntary process outlined in the January 5, 2016 Biological Opinion associated with the final 4(d) rule in lieu of the August 2015 BO specific to Forest Service activities.

This project is likely to adversely affect the NLEB; however, there are no effects beyond those previously disclosed in the programmatic biological opinion on implementing the final 4(d) rule dated January 5, 2016. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (50 CFR §17.40(o)). This project is consistent with the forest plan, the description of the proposed action in the programmatic biological opinion, and activities that do not require special exemption from taking prohibitions applicable to the NLEB; therefore, the programmatic biological opinion satisfies the Forest Service's responsibilities under ESA section 7(a)(2) relative to the northern long-eared bat for this project.

This area has no known threatened, endangered or sensitive (TES) species occurrences. Field review of the site shows no sign of rare habitats or wetlands. The scale and scope of this project is minimal and presents no concerns for additional TES species not discussed above. A copy of the biological review is available in the project record.

b. Flood plains, wetlands, or municipal watersheds:

The project area is not located within a municipal watershed. Floodplains or wetlands will be protected through the implementation of Forest Plan standards, project specific design criteria listed above and Virginia's Forestry Best Management Practices (BMPs) for Water Quality.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas:

This project is not located in a Congressionally designated area such as wilderness, wilderness study area, or national recreation area.

d. Inventoried roadless areas or potential wilderness areas:

This project is not located in an inventoried roadless or potential wilderness area.

e. Research natural areas:

There will no effect on research natural areas. The project area is not within or adjacent to a research natural area.

f. American Indians and Alaska Native religious or cultural sites:

The project was reviewed by the Forest Archaeologist. There will be no effect on American Indian religious or cultural sites. A copy of the archeologist clearance is located in the project folder.

g. Archaeological sites, or historic properties or areas:

The project was reviewed by the Forest Archaeologist. There will be no effect on archeological or historic sites. A copy of the archeologist clearance is located in the project folder.

Based on my review of the impacts of this action, I have determined there are no significant impacts on the physical, biological, or social portions of the human environment. I have considered the best available science in making this decision. The possible effects on the human environment are not highly uncertain nor do they involve unique or unknown risks. The action does not set a precedent for future actions. Because this action falls clearly in categories for exclusion, and because extraordinary circumstances are not present, I have decided that this action can be implemented as described in this Decision Memo without further documentation in an environmental assessment or environmental impact statement.

PUBLIC INVOLVEMENT

This project was listed on the Forest's Schedule of Proposed Actions (SOPA) in November of 2019.

A 30 day scoping period was initiated for this project on December 3, 2019. The entirety of all provided comments are available in the project record at the Warm Springs Ranger District Office in Hot Springs.

An Interdisciplinary Team of resource specialists reviewed the scoping comments and completed an analysis to determine the impact of this project on various resources. This team consisted of a forester, wildlife biologist, archaeologist, hydrologist and recreation specialist. 4 letters were received during the project scoping period all of which were

highly supportive of the project. All comments in these letters were considered in arriving at this decision.

FINDINGS REQUIRED BY REGULATION AND OTHER LAWS

I have reviewed the Forest Plan and find that this project is consistent with the direction set forth in the Forest Plan, as required by the National Forest Management Act, including specific direction and standards and guidelines for management area 7E1 – Dispersed Recreation Areas (page 4-93). The 2014 Revised Forest Plan for the George Washington National Forest was prepared in accordance with the National Forest Management Act (16 USC 1601-1610). The actions of this project, including mitigation measures, are consistent with the Forest Plan's management desired conditions, objectives and standards.

This project will not result in a violation and is consistent with applicable Federal, State, or local laws or requirements imposed for the protection of the environment. A listing of all of these laws would be extensive and will not be done here. Federal and state laws that are particularly relevant to this project include the Clean Water Act, Virginia's Forestry Best Management Practices for Water Quality, the National Historic Preservation Act, and the Endangered Species Act. By following the best management practices described in the Forest Plan this action will avoid permanent impairment of site productivity and ensure conservation of the soil and water resources.

IMPLEMENTATION, ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITY

As a result of the Consolidated Appropriations Act of 2014 (Public Law No. 113-76) and the Agricultural Act of 2014 (Farm Bill, Public Law No. 102-381), this decision is not subject to administrative review or appeal and may be implemented immediately.

CONTACT PERSON

The project analysis file is available for public review at the James River / Warm Springs District Office. Questions regarding this decision can be addressed to Elizabeth McNichols, 27 Ranger Lane, Natural Bridge Station, VA 24579. Telephone Number: 540-839-2521.



ELIZABETH MCNICHOLS
District Ranger

1-30-2020
DATE

Appendices:

- A. Vicinity Map
- B. Project Area Map

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